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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 v.  
12 ROBERT LAMON POLK,  
13 Defendant.

Case No. 2:23-cr-00020-JAD-VCF

**STIPULATION TO CONTINUE  
MOTION DEADLINES**

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
16 United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the  
17 United States of America, and Rene L. Valladares, Federal Public Defender, and Aden Kebede,  
18 Assistant Federal Public Defender, counsel for Robert Lamon Polk that the previously ordered  
19 deadline for the Government's response to defendant's motions to suppress be vacated and that  
20 the Government shall have to and including September 27, 2023 within which to file it's  
21 response. The parties further stipulate and agree that the defendant shall have to and including  
22 October 27, 2023 within which to file his reply motion.

23 The Stipulation is entered into for the following reasons:

24 1. The parties are currently engaged in negotiations to resolve the matter. If the  
25 matter is resolved, it will obviate the need for pretrial litigation.  
26

2. If the matter is not resolved, the parties need additional, adequate time to file responses and replies.

3. The defendant is not incarcerated and does not object to the continuance.

4. The parties agree to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the fourth stipulation to continue filed herein.

DATED this 16th day of August, 2023.

RENE L. VALLADARES  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

By /s/ Aden Kebede

By /s/ Melanee Smith

ADEN KEBEDE  
Assistant Federal Public Defender

MELANEE SMITH  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ROBERT LAMON POLK,

7 Defendant.

Case No. 2:23-cr-00020-JAD-VCF

8 FINDINGS OF FACT, CONCLUSIONS  
9 OF LAW AND ORDER

10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. The parties are currently engaged in negotiations to resolve the matter. If the  
14 matter is resolved, it will obviate the need for pretrial litigation.

15 2. If the matter is not resolved, the parties need additional, adequate time to file  
16 responses and replies.

17 3. The defendant is not incarcerated and does not object to the continuance.

18 4. The parties agree to the continuance.

19 5. The additional time requested herein is not sought for purposes of delay, but  
20 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
21 complete investigation of the discovery materials provided.

22 6. Additionally, denial of this request for continuance could result in a miscarriage  
23 of justice. The additional time requested by this Stipulation is excludable in computing the time  
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
26 Section 3161(h)(7)(B)(i), (iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

**ORDER**

IT IS THEREFORE ORDERED that the government shall have to and including September 27, 2023, to file its response to the defendant's motions to suppress.

IT IS FURTHER ORDERED that the defendant shall have to and including October 27, 2023, to file his reply.

DATED this 21st day of August, 2023.

  
UNITED STATES DISTRICT JUDGE